IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.794 OF 2005
IN
NOTICE OF MOTION NO.2949 OF 2003
IN
S.C.SUIT NO.3615 OF 2003

Kallu Ramjan Shaikh & Darzi — Appellant
vs.
Sajjad Hussain & Sajjad Warsi
& Bhaggu & anr. — Respondents

Ms.Trupti Panganekar for the appellant.

CORAM : B.H. MARLAPALLE,J.

DATED : 2nd September 2005

P.C.

Heard the learned counsel for the appellant, who is the plaintiff in S.C.Suit No.3615/2003. By the impugned order dated 12.1.2005, Notice of motion no.2350/2004 has been dismissed.

2. The learned Judge of the City Civil Court noted that earlier Notice of Motion No.2949/2003 was filed for restoration of possession and while considering the request for ad-interim injunction it was observed that such a relief could not be granted. Fresh notice of motion was filed but adding an alleged ground of forced dispossession. The reasoning given by the trial Court in dismissing the second notice of motion cannot be

termed as perverse or illegal and, therefore, there is no case made out to entertain this appeal.

3. The appeal is hereby dismissed in limine.

(B.H. MARLAPALLE,J.)